

REMARKS

Claim Rejections

Claims 1 and 15 are rejected under 35 U.S.C. §102(a) as being anticipated by the acknowledge prior art. Claims 2, 3, 13, 14, 16 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over the art as applied to claims 1 and 15, and further in view of Park et al. (US 6,614,740). Claims 4-12, and 18-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over the art as applied to claim 3, and further in view of either JP 2002-083461 or Gulick et al. (US 5,993,057).

Amendments to Specification

Applicant has amended the Specification as noted above to provide a title more descriptive of the claimed invention. It is believed that the foregoing amendments to the Specification overcome the outstanding objections thereto. No "new matter" has been added to the original disclosure by the foregoing amendments to the Specification.

Drawings

It is noted that no Patent Drawing Review (Form PTO-948) was received with the outstanding Office Action. Thus, Applicant must assume that the drawings are acceptable as filed.

Claim Amendments

By this Amendment, Applicant has amended claim 6 to obviate the objections set forth in the outstanding Office Action. It is believed that the original and amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

35 U.S.C. §102(a) Rejections Based on the Acknowledge Prior Art

Claims 1 and 15 have been rejected under 35 U.S.C. §102(a) as being anticipated by the acknowledge prior art (APA). Applicant respectfully traverses this rejection.

a. Claim 1

Claim 1 of the present invention states:

An optical discriminating system for discriminating whether a reflected light beam is from a plurality of headers of an optical storage medium, the reflected light beam being shot from an optical reading/reproducing device and being reflected by the optical storage medium, each of the headers comprising a first embossed position and a second embossed position for recording an address information, the optical discriminating system comprising:

a light beam detecting module for receiving the reflected light beam, wherein

when the reflected light beam is reflected from the first embossed position, a first header signal is generated;

when the reflected light beam is reflected from the second embossed position, a second header signal is generated; and

when the reflected light beam comprises the address information, ***an address mark signal is generated***; and

a signal detecting module for receiving the first header signal, the second header signal, and the address mark signal;

wherein when the signal detecting module ***continuously*** receives the first header signal and the second header signal, and also receives the address mark signal ***at the same time***, then the signal detecting module discriminates that the reflected light beam is reflected from one of the plurality of headers. (*Emphasis added*).

Applicant respectfully submits that independent claim 1 is allowable for the reason that APA does not disclose, teach, or suggest the following features: "when

the reflected light beam comprises the address information, ***an address mark signal is generated***" and "when the signal detecting module ***continuously*** receives the first header signal and the second header signal, and also receives the address mark signal ***at the same time***, then the signal detecting module discriminates that the reflected light beam is reflected from one of the plurality of headers," as recited above in claim 1 of the present invention. Therefore, APA does not anticipate claim 1 of the present application.

As disclosed in APA and the accompanying FIG. 2, "[t]he prior art uses the header indication signal generated by extracting the low pass filtered RF subtraction (RFSUB) signal or the differential phase detection (DPD) signal to assist in identifying the header" (APA of Application, page 1, lines 21-23). Prior Art FIG. 2 is copied in the following as reference.

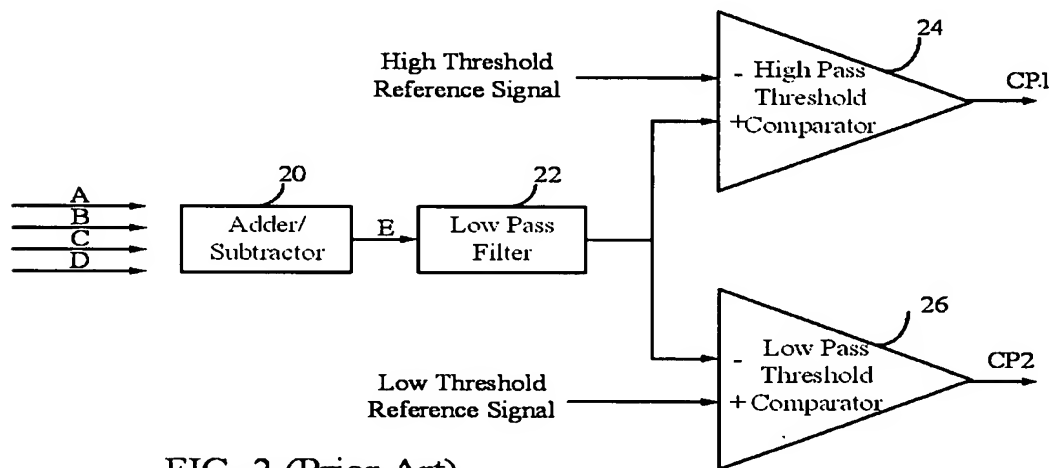


FIG. 2 (Prior Art)

As further explained in APA, page 3, lines 1-5:

US Pat. Applied No. 2002/0039331 [issued on Sep., 2, 2003, as US Pat. No. 6614740 to *Park et al.*] directly identifies whether the optical reading/reproducing device is reading the header 16 by determining whether the optical reading/reproducing device comprises the header indication signals CP1 and CP2. ***When the device receives the header indication signals CP1 or CP2, the present location is identified as the header 16. (Emphasis added).***

APA states, page 3, lines 6-11:

The prior art merely takes the header indication signal CP1 or CP2 to be the signal for identifying the header. However, during the process of the optical reading/reproducing device reading a DVD-RAM disc, the light beam easily deviates from the middle of the track; thus, the header indication signal ***CP1 or CP2 often appears in locations that are non-headers***. Therefore, the prior art is often unable to identify the header correctly, making discriminating error. (*Emphasis added*).

Claim 1 of the present invention is substantially different from APA for the reasons detailed below. First, ***no*** "address mark signal" or its equivalent is disclosed in APA. Second, APA does not disclose "when the reflected light beam comprises the address information, ***an address mark signal is generated***". Third, APA does not disclose to discriminate that the reflected light beam is reflected from one of the plurality of headers when its reading/reproducing device "***continuously*** receives the first header signal and the second header signal, and also receives the address mark signal ***at the same time.***"

b. Claim 15

Claim 15 of the present invention states:

An optical discriminating method for discriminating whether a reflected light beam is from a plurality of headers of an optical storage medium, the reflected light beam being shot from an optical reading/reproducing device and being reflected by the optical storage medium, each of the headers comprising a first embossed position and a second embossed position for recording an address information, the optical discriminating method comprising the following steps:

- receiving the reflected light beam reflected from the optical storage medium;
- when the reflected light beam reflects from the first embossed position, generating a first header signal;
- when the reflected light beam reflects from the second embossed position, generating a second header signal;

when the reflected light beam comprises the address information, **generating an address mark signal**; and

when **continuously** receiving the first header signal and the second header signal, and also receiving the address mark signal **at the same time**, then discriminating that the reflected light beam is reflected from one of the headers. (*Emphasis added*).

Applicant respectfully submits that independent claim 15 is allowable because APA does not disclose, teach, or suggest the features: "when the reflected light beam comprises the address information, **generating an address mark signal**" and "when **continuously** receiving the first header signal and the second header signal, and also receiving the address mark signal **at the same time**, then discriminating that the reflected light beam is reflected from one of the headers," as recited above in claim 15. Therefore, APA does not anticipate claim 15 of the present application.

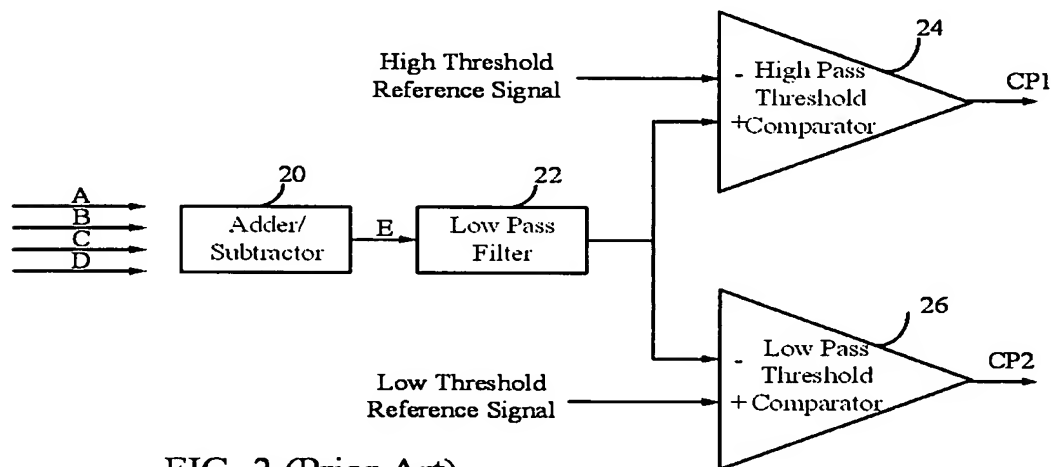


FIG. 2 (Prior Art)

As disclosed in APA and the accompanying FIG. 2, "[t]he prior art uses the header indication signal generated by extracting the low pass filtered RF subtraction (RFSUB) signal or the differential phase detection (DPD) signal to assist in identifying the header" (APA of Application, page 1, lines 21-23). Prior Art FIG. 2 is copied in the following as reference.

As further explained in APA, page 3, lines 1-5:

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Claim 15 of the present application is substantially different from APA for the reasons detailed below. First, ***no*** "address mark signal" or its equivalent is disclosed in APA. Second, APA does not disclose "when the reflected light beam comprises the address information, ***generating an address mark signal***". Third, APA does not disclose to discriminate that the reflected light beam is reflected from one of the plurality of headers when its reading/reproducing device "***continuously*** [receives] the first header signal and the second header signal, and also [receives] the address mark signal ***at the same time.***"

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that APA does not disclose each and every feature of Applicant's original and amended claims and, therefore, could not possibly anticipate these claims under 35 U.S.C.

Application No. 10/670,228

§ 102. Absent a specific showing of these features, APA cannot be said to anticipate any of Applicant's original and amended claims under 35 U.S.C. § 102.

35 U.S.C. §103(a) rejections based on the acknowledge prior art, Park, JP 2002-083461, and/or Gulick

Applicant submits that features, discussed above, distinguishing claims 1 and 15 of the present invention from APA are not taught by either Park et al., JP 2002-083461, or Gulick et al., and believes that dependent claims 2-14 and 16-23 are also allowable.

Neither APA, Park et al., JP 2002-083461, nor Gulick et al. disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's original or amended claims.

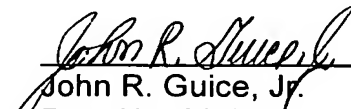
Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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